IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application no. 183 of 2006

Mr. Sanjay M. Paranjape Applicant

v/s.

Mr. Sudhakar Dinkar Gaikwad & anr. Respondent

Mr.M.K. Kocharekar, Advocate for the Applicant
Mr.Y.S. Shinde, APP for the Respondent

CORAM : B.H. MARLAPALLE, J.

3RD AUGUST, 2007.

P.C. :-

. Learned counsel for the applicant states that initially the impugned order dated 6-11-2004 was challenged in Criminal Revision Application no. 204 of 2004 and same was dismissed as not maintainable by order dated 31-1-2006.

2. It is stated that summary case no. 388 of 2004 was dismissed in default to secure the presence of accused by the Complainant on 6-11-2004 whereas the Roznama clearly states that NBW of the accused was not received in taluka police station on the same day. Hence, leave to appeal is hereby granted under section

378(4) of Cr. P.C. and the application is allowed accordingly.

(B.H.MARLAPALLE,J)